

REMARKS

The Examiner is respectfully requested to acknowledge applicants' claim for priority under 35 USC 119 and to acknowledge receipt of the certified copies of the priority documents.

The Examiner is also respectfully requested to return a copy of the Form PTO-1449 filed on February 9, 2000 and to indicate thereon that the cited publications were considered and made of record.

Restriction was required under 35 USC 121 as follows:

- Group I:            Claims 1-20, 22-29, 41-55, 61-81, 88-90, 103-105 and 107, drawn to various anti-Fas antibodies;
- Group II:           Claims 21, 56, 57 and 82-87, drawn to a method of treatment using the antibody of Group I above; and
- Group III:          Claims 30-40, 58-60, 91-102, 106, and 108-119, drawn to a DNA hydridoma, host cells and a method of expressing DNA.

Applicants elect Group I (claims 1 to 20, 22 to 29, 41 to 55, 61 to 81, 88 to 90, 103 to 105 and 107).

The non-elected claims were cancelled hereinabove and will be pursued in a Divisional Application.

Submitted concomitantly herewith is an AMENDMENT AND REQUEST TO DELETE CORRECTLY NAMED ORIGINAL PERSONS WHO ARE NOT INVENTORS OF INVENTION NOW BEING CLAIMED (37 CFR 1.48(b)).

On page 3, line 7 to page 4, line 3 of the Office Action, applicants were also required to elect a single species and

identify the claims that read on the elected species in the specifically elected group.

Applicants elect the following:

- (i) Light chain: SEQ ID NO: 107 (claim 29);
- (ii) Heavy chain: SEQ ID NO: 117 (claim 29);
- (iii) Condition: rheumatoid arthritis (claim 45).

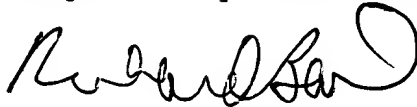
The Restriction Requirement concerning the election of a species is respectfully traversed on the ground that it is not a species requirement of the type set forth in the third paragraph of MPEP 803.02 entitled "PRACTICE RE MARKUSH TYPE CLAIMS". It is respectfully submitted that the practice set forth therein and in the decisions cited in MPEP 803.02 are the proper practice to be applied in the present case and to the extent that the Restriction Requirement is not consistent therewith, it is respectfully traversed.

If, however, the Restriction Requirement is maintained, then taking into consideration that there are generic claims, it is respectfully requested that the provisions of 37 CFR 1.141(a) (which provisions are referred to at the bottom of page 3 of the Office Action) and the procedure set forth in MPEP 806.04(d) be followed, which provide that once a claim that is determined to be generic is allowed, all of the claims drawn to species, in addition to the elected species, which include all of the limitations of the generic claim, should be allowed.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the

undersigned at the telephone number given below for prompt action.

Respectfully submitted,



---

RICHARD S. BARTH  
REG. NO. 28,180

Frishauf, Holtz, Goodman & Chick, P.C.  
767 Third Avenue - 25th Floor  
New York, New York 10017-2023  
Tel. No. (212) 319-4900  
Fax No. (212) 319-5101  
RSB/mbm/ld

Encs.: AMENDMENT AND REQUEST TO DELETE CORRECTLY NAMED  
ORIGINAL PERSONS WHO ARE NOT INVENTORS OF INVENTION NOW  
BEING CLAIMED (37 CFR 1.48(b))